

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2828
OFFERED BY MR. WALDEN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Klamath Basin Emer-
3 gency Operation and Maintenance Refund Act of 2001”.

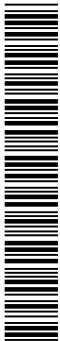
4 SEC. 2. QUALIFIED KLAMATH PROJECT ENTITY DEFINED.

5 In this Act, the term “qualified Klamath Project enti-
6 ty” means an entity that—

7 (1) has executed a water supply contract with
8 the United States for water from the Upper Klam-
9 ath Lake and the Klamath River of the Klamath
10 Project pursuant to the reclamation laws, including
11 the Act of June 17, 1902 (32 Stat. 388), and Acts
12 amendatory thereof or supplementary thereto;

13 (2) distributes water received under the con-
14 tract;

15 (3) received a severely limited irrigation supply
16 from the Upper Klamath Lake and the Klamath
17 River based on the Bureau of Reclamation 2001 an-
18 nual operations plan dated April 6, 2001; and



1 (4) was not reimbursed for its operation and
2 maintenance expenses for 2001 pursuant to State
3 law.

4 **SEC. 3. REFUND AND WAIVER OF ASSESSMENTS AND**
5 **CHARGES FOR OPERATION AND MAINTENANCE**
6 **OF KLAMATH RECLAMATION**
7 **PROJECT.**

8 (a) IN GENERAL.—The Secretary of the Interior is
9 authorized to pay to each qualified Klamath Project entity
10 an amount equal to the amount assessed or charged to
11 members of the qualified Klamath Project entity, or to
12 other persons receiving water or drainage service from
13 such an entity, for operation and maintenance of Klamath
14 Project transferred and reserved works for 2001.

15 (b) CONDITIONS.—Payment under this section may
16 be made to a qualified Klamath Project entity only after
17 the entity has—

18 (1) provided to the Secretary documentation
19 satisfactory to the Bureau of Reclamation, dem-
20 onstrating the total amount assessed or charged to
21 members of the entity or to persons receiving service
22 from the entity; and

23 (2) executed a binding agreement under which
24 the funds paid to the entity under this section shall
25 be distributed to each member of the entity or per-



1 sons receiving service from the entity in an amount
2 equal to the amount collected by the entity from the
3 member or person for operation and maintenance for
4 2001.

5 (c) WAIVER OF REMAINING AND ADDITIONAL
6 CHARGES.—The Secretary may waive any requirement
7 that a qualified Klamath Project entity pay remaining or
8 additional charges for operation and maintenance of
9 Klamath Project reserved works for 2001.

10 (d) PAYMENTS AND WAIVERS FOR INDIVIDUALS.—
11 The Secretary—

12 (1) may pay, to any individual within the Klam-
13 ath Project who holds a contract entered into pursu-
14 ant to the Act of February 21, 1911 (36 Stat. 925;
15 43 U.S.C. 523–525), popularly known as the “War-
16 ren Act”, and who is not within a district that re-
17 ceives a payment pursuant to subsection (a) and a
18 waiver under subsection (c), an amount equal to the
19 amount collected from such individual for operation
20 and maintenance of Klamath Project reserved works
21 for 2001; and

22 (2) may forego collection from such individual
23 of charges for operation and maintenance of such
24 works for the remainder of 2001.



1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 Amounts not paid by a qualified Klamath Project en-
3 tity to the Bureau of Reclamation for the operation and
4 maintenance of the reserved works for 2001 shall be fund-
5 ed from the appropriations authorized by this Act. Costs
6 incurred by the Bureau of Reclamation in carrying out
7 this Act shall not be reimbursable.

8 **SEC. 5. NO SUPPLEMENTAL OR ADDITIONAL BENEFIT.**

9 Activities under this Act or funded pursuant to this
10 Act shall not be considered a supplemental or additional
11 benefit under the Act of June 17, 1902 (82 Stat. 388),
12 and all Acts amendatory thereof or supplementary thereto.

Amend the title to read: “A bill to authorize pay-
ments to certain Klamath Project water distribution enti-
ties for amounts assessed by the entities for operation
and maintenance of the Project’s transferred works for
2001, to authorize refunds to such entities of amounts
collected by the Bureau of Reclamation for reserved
works for 2001, and for other purposes.”.

